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Misty Mendiola

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:)
Martin Dugas, et al.) EXAMINER: Sean E. Aeder
SERIAL No.: 10/575,805) ART UNIT: 1642
FILED: December 13, 2006) Confirmation No. 3903
FOR: <u>METHOD FOR DISTINGUISHING</u> <u>T(11Q23)/MLL-POSITIVE</u> <u>LEUKEMIAS FROM T(11Q23)/MLL</u> <u>NEGATIVE LEUKEMIA</u>) Docket No. 22329

RESPONSE UNDER 35 U.S.C. 121

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is in response to the Office Action (hereinafter, "Action") mailed October 31, 2007, which specifies a shortened statutory period for reply for one month. A Request for a 1 Month Extension of Time is included within this response.

Response to Restriction Requirement

The Examiner has restricted the application to one of the following: Group I, claims 1-16; Group II claims 17-18; and Group II, claims 19-27. Applicants hereby elect Group I, claims 1-16, drawn to specific methods.

Response to Election of Species

The Examiner has also required an Election of Species. Applicants hereby elect the species where the lower expression of sequence number 1, 213907_at (EEF1E1), as defined in Table 1 and a higher expression of sequence number 2, 234260_at, of Table 1 are indicative for the presence of denovo_AML when denovo_AML is distinguished from therapy-related AML.

Conclusion

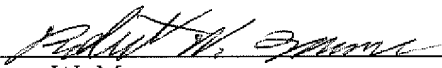
Applicants respectfully submit that this response to the restriction requirement is complete and responsive, and that the claims are in a condition for early consideration on the merits. In the event that a telephonic interview would be helpful, please contact the undersigned representative.

Under 37 CFR §1.136(a), Applicants respectfully request a 1-month extension of time to respond to the Office Action mailed October 31, 2007. The response date was November 30, 2007; with the granting of this request, the response time is re-set to December 31, 2007. The commissioner is hereby authorized to charge the fee due under 37 CFR §1.17(a)(3), to Deposit Account No. 50-0812. Please grant any additional extensions of time that may be required to enter this amendment and charge any additional fees or credit any overpayments to Deposit Account No. 50-0812.

Please direct all future correspondences to: Customer No. 22829.

Respectfully submitted,

Date: December 19, 2007

By: 
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